

URGE CONGRESS AND EPA TO CONSULT WITH COUNTIES ON ANY FUTURE REGULATIONS ON PFAS

ACTION NEEDED:

Urge the U.S. Congress, the Environmental Protection Agency (EPA) and other federal agencies to study the health and environmental impacts of Per- and polyfluoroalkyl substances (PFAS) compounds and to work closely with state and local governments on any regulatory or legislative actions related to PFAS.

BACKGROUND:

PFAS are a class of toxic chemicals that have been used for various purposes, including commercial, industrial and U.S. military applications. Some common uses include food packaging, nonstick coatings and fire suppressants used at U.S. military installations, airports and state and local fire departments.

Over the years, several studies have shown that exposure to PFAS above certain levels, particularly perfluorooctanoic acid (PFOA) and perfluorooctane sulfate (PFOS), is associated with various adverse health effects. This includes, but is not limited to, certain cancers, suppressed antibody response, reproductive problems and thyroid hormone disruption. PFAS chemicals are highly durable and can persist in the environment and the human body for years if exposed.

Detections of PFAS contamination in drinking water and the environment have increased in recent years. PFOA and PFOS have been detected in soil, surface water, groundwater and public water supplies in numerous locations. These detections have been associated primarily with releases from manufacturing and processing facilities, and from U.S. military installations and other facilities that use firefighting foams. As owners, users and regulators of water resources, counties play a key role in addressing the concerns with PFAS exposure.

COMMON USES OF PFAS CHEMICALS INCLUDE FOOD PACKAGING, NONSTICK COATINGS AND FIRE SUPPRESSANTS USED AT U.S. MILITARY INSTALLATIONS, AIRPORTS AND BY STATE AND LOCAL FIRE DEPARTMENTS

PFAS ARE A CLASS OF TOXIC CHEMICALS THAT HAVE BEEN USED FOR VARIOUS PURPOSES, INCLUDING COMMERCIAL, INDUSTRIAL AND U.S. MILITARY APPLICATIONS

PFAS CONTAMINATION HAS BEEN DETECTED IN SOIL, SURFACE WATER, GROUNDWATER AND PUBLIC WATER SUPPLIES IN NUMEROUS LOCATIONS

AS OWNERS, USERS AND REGULATORS OF WATER RESOURCES, COUNTIES PLAY A KEY ROLE IN ADDRESSING CONCERNS WITH PFAS EXPOSURE

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ADMINISTRATIVE ACTION:

EPA has taken several steps to address PFAS, including expanding nationwide monitoring of PFAS in drinking water, increasing data collection and initiating a national PFAS testing strategy under its Toxic Substances Control Act (TSCA) authorities. Much of EPA's work is guided by the [PFAS Strategic Roadmap](#), which was released in October 2021, and sets key deadlines for the agency to take specific actions and implement new policies to address PFAS.

Steps taken by EPA most relevant to counties include:

- In June 2022, [EPA issued interim updated drinking water health advisories for PFOA and PFOS](#), replacing those that were issued for the compounds in 2016. The new interim advisory levels – 0.004 ppt for PFOA and 0.02 ppt for PFOS – indicate that some negative health effects can occur even when concentrations of PFOA or PFOS are near zero. Notably, these advisory levels are below what EPA is currently able to detect. Previously, the advisory levels for both PFOA and PFOS were set at 70.00 ppt.

Also in June 2022, [EPA issued final drinking water health advisories for two other types of PFAS](#) – perfluorobutane sulfonic acid and its potassium salt (PFBS) and hexafluoropropylene oxide (HFPO) dimer acid and its ammonium salt (GenX Chemicals). The advisory level for PFBS is set at 2,000 ppt and at 10 ppt for GenX Chemicals, both of which are above EPA's level of detection.

- In September 2022, EPA published a proposed rule to designate two types of per- (perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)) and polyfluoroalkyl substances (PFAS) as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund. EPA intends to publish a final rule in August 2023.

This proposed rule would place an enormous economic burden on counties, as PFAS is often suspended in the environment and leads to accumulation in water systems and waste facilities. Given the ubiquity of PFOA and PFOS, county governments, water utilities and landfills could be subject to the rule's reporting and financial liability requirements.

- The EPA plans to release a proposed National Primary Drinking Water Regulation for PFOA and PFOS in March 2023.

CONGRESSIONAL ACTION:

On December 20, the President signed into law the Protecting Firefighters from Adverse Substances (PFAS) Act ([S.231](#)). The bill directs the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to establish guidance, education programs and best practices to protect firefighters and other emergency response personnel from exposure to per- and polyfluoroalkyl substances (PFAS) from firefighting foam and prevent the release of PFAS into the environment.

Under the PFAS Act, FEMA will develop a curriculum to:

- Reduce and eliminate exposure to PFAS from firefighting foam and personal protective equipment (PPE)
- Prevent the release of PFAS from firefighting foam into the environment
- Educate firefighters and other emergency response personnel on foams and non-foam alternatives, PPE and other firefighting tools and equipment that do not contain PFAS



KEY TALKING POINTS:

- As owners, users and regulators of water resources, counties are directly impacted by federal regulation and legislation regarding PFAS.
- Counties support efforts by EPA and other federal agencies to study the health and environmental impacts of PFAS compounds.
- As EPA moves toward potential regulatory action, counties urge the administration to work closely with state and local governments throughout the rule-making process.
- As Congress considers additional legislation to address PFAS, counties urge policymakers to consult with state and local governments throughout the legislative process.

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